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ABSTRACT

The paper examines California's Proposition 227, a voter-imposed statutory amendment that substantially altered the method by which non-English-speaking children learn English in California's public schools, looking at the forces behind the legislation and the challenges to its implementation. The context for bilingual education in California is explored by examining the state's diverse demography, language laws and policies for learning English, testing programs and recent legislative proposals affecting English language learners. Further background information on the design and outcomes of instructional programs for English second language learners and on the relationship between neurological development and language learning is presented as a framework for discussion of methodologies for teaching English effectively. A number of policy considerations for educating this population are outlined. Contains 85 references. (MSE)

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Educating California's Immigrant Children

An Overview of Bilingual Education

By Patricia L. de Cos

JUNE 1999

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Educating California's Immigrant Children:
An Overview of Bilingual Education

By Patricia de Cos

JUNE 1999

CRB-99-010

This report is a follow-up to the author's testimony in an informational hearing regarding the research related to Proposition 227, which was reported to the Senate and Assembly Education Committees on February 18, 1998.

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EXECUTIVE SUMMARY

On June 2, 1998, the people of California passed Proposition 227, a voter imposed statutory amendment that substantially altered the manner by which non-English speaking children learn English in California's public schools. The initiative required that school districts redesign their curriculum so those pupils receive instructional services in a *sheltered or structured English immersion* class for approximately one year.

This paper examines Proposition 227 and the driving forces behind it. It also discusses how school districts have sought waivers to its implementation via the State Board of Education, and how several school districts, along with several advocacy groups have initiated legal challenges against its implementation.

Beyond the initiative itself, and the issues surrounding its implementation, it is important to understand the context of bilingual education in California. To that end, this paper discusses California's diverse population, and the dynamics that public schools face each day as they struggle to educate an increasing number of English language learners.

It is also important to understand the evolution of language policy in public schools. This paper provides a history of language policy, discusses how over time instruction in English became dominant for new immigrants, and presents a summary of why initial bilingual education policies were enacted nationally and in California.

Beyond this history, there exists a limited body of literature on instructional programs for English learners. Several studies directly evaluate outcomes of language immersion efforts and the use of native language instruction. This paper discusses that literature, along with an explanation of the relationship between brain development and second language acquisition and learning, as a possible way to shed light on effective teaching methodologies used for English language learners.

The paper concludes with several policy considerations, beyond Proposition 227, for providing instruction to English language learners.

I. PASSAGE OF PROPOSITION 227: THE "UNZ INITIATIVE"

California's voters passed Proposition 227, known as the "English for the Children in Public Schools" Initiative, on June 2, 1998. Prior to its passage, proponents of the initiative argued that the best path to academic achievement for English learners was to learn English quickly. They contended that many bilingual education programs offered in California public schools placed English learners into slower learning tracks in which they were not learning English adequately, and from which it was difficult to transition into mainstream English language classes.

The initiative requires that all English language learners participate in a *sheltered English immersion* or *structured English immersion* program for a transition period not normally to exceed one year. However, the term *sheltered/structured English immersion* is a new label coined by the initiative's authors. Even though the initiative provides a definition for this new term, it does not provide a prescription for rendering this type of instruction within the one-year time frame. Instead, it allows each school district to interpret and design a one-year curriculum by which to immerse children in English language learning.

The initiative specifies that parents or guardians may request a waiver for their children to attend an alternative language program other than the mandated one-year sheltered/structured English immersion program.[1] In order to obtain an annual waiver, they must personally visit the school to apply and provide a written request. During their visit to the school, schools must provide these parents or guardians with information regarding alternative language programs available. In this way, parents or guardians who are interested in placing their children in an alternative language program (through native language or other recognized educational methodologies) may do so, provided that their children abide by a 30-day waiting period imposed by the law. The initiative requires schools to allow students with waivers to transfer to schools offering an alternative program. If at least 20 pupils at any grade receive waivers in a school, that school must provide an alternative language program.[2]

The initiative appropriates $50 million annually for ten years to provide adult English language services to adults who pledge to tutor school-age children in the English language. The initiative requires the State Board to develop guidelines for this program, the Superintendent of Public Instruction to administer the program funds, and local school boards to allocate the funds at their discretion to schools or community-based organizations that provide adult English language services.

Programmatic Changes and Teacher Training

Although Proposition 227 is clear about its one-year structured/sheltered English immersion requirement, it did not address the issue of how new or existing teachers should be trained in order to offer the new curriculum. In fact, teachers continue to be trained using existing pedagogical techniques. As a new program and

concomitant curriculum are defined, teacher training and professional development programs, for both pre-service and in-service teachers, will need to be realigned with the one-year language immersion requirement.[3]

Implementing Proposition 227 – Complications for School Districts

The passage of Proposition 227 caused consternation among many school districts throughout the State, especially for those with large numbers of non-English speaking students, and particularly for teachers who worked within the bilingual education community who had little knowledge of one-year language immersion programs. Further, absent a clear understanding of the initiative's intent, it was difficult for schools to develop appropriate curricula to meet the spirit of the law, while some schools and teachers were determined to resist. The initiative passed in June 1998, and school districts had only 60 days to rethink how they would implement the law and develop a new curriculum, which also affected the purchasing of appropriate materials to support the new program.

In spite of these difficulties, many school districts began the task of dismantling their previous bilingual education programs. While a large number of school districts began implementing Proposition 227, other school districts had greater difficulty finding solutions or did not want to educate large numbers of English learners within the one-year time frame using the prescribed approach. For many school districts, this will undoubtedly mean that supplemental instructional time in after-school, summer, or Saturday programs will be necessary in order to conform to the one-year time frame.[4] Recognizing their inability to implement a program or curriculum within a short time frame and in the absence of appropriate instructional materials or because they did not want to implement the new program, these school districts have sought waivers from the State Board of Education. They have argued that the new law posed a burden on their school district and was not in the best interest of its pupils.

California State Board of Education's Actions Following Passage of Proposition 227

Immediately following passage of Proposition 227, the State Board of Education conducted a series of meetings which resulted in the passage of temporary emergency regulations aimed to assist school districts in their implementation of the initiative. These temporary emergency regulations remained in force until November 1998, when the Office of Administrative Law approved them as permanent.

During the process of implementing the requirements of Proposition 227, the State Board of Education agreed not to consider any waiver requests by school districts wishing to maintain their bilingual programs. The State Board made its decision after receiving an opinion from the Legislative Counsel that stated that the Board did not have unilateral authority to waive provisions of the initiative. The

Legislative Counsel said that such waivers would be contrary to the intent of the electorate.[5]

The State Board's legal counsel concurred with the Legislative Counsel's opinion. However, the California Department of Education's legal counsel offered a different interpretation of the law. The Department's legal counsel argued that the State Board did have the power to grant waivers.[6]

The Role of the Courts in the Implementation of Proposition 227

Educating California's language minority children in public schools is a complex matter whose controversy is often manifested through legal challenges in our court systems. Leaders in California's K-12 public education system have had a difficult time in accommodating both different values and needs of diverse local communities along with the general needs of the state. This has clearly become the case with interpreting and implementing Proposition 227. This dynamic has caused several legal challenges, which the court system must now sort out, including the following:

- After the State Board decided not to consider school districts' requests for waivers, three school districts filed a joint suit against the State Board for failing to consider their requests for waivers.[7]
- Immediately following the passage of Proposition 227, in June 1998, a coalition of education and civil rights groups sought injunctive relief from the courts arguing that the initiative was unconstitutional.[8]
- Further, in December 1998, a consortium of education interests filed a suit against Governor Wilson, the State Board, and the State Superintendent of Public Instruction alleging the unconstitutionally vague nature of Proposition 227.[9] The plaintiffs in the case claim that many terms are not defined; yet, the initiative holds specified individuals liable for not implementing the initiative, as specified.

The legal challenges brought by the school districts, as well as other cases, are still pending in the courts and the details of each case are further discussed in Technical Appendix A: *Legal Challenges* of this report.

The Need for Data and Evaluation

Implementation of the new law is mixed among California's school districts,[10] and the state gathers limited information on a consistent basis.[11] The California Department of Education recently conducted a mail-in survey to gather information to identify any needs for technical assistance for school districts implementing the new requirements of Proposition 227.[12] The survey intended to report results based on a "snapshot" of what school districts were doing between January and March 1999.

The Department's survey received a 72 percent response rate (654 districts of the 904 districts that enroll English language learners); and data collected from the responding districts represented 88 percent of English language learners in California public schools. All but two of the largest 50 school districts in the state responded. Given the survey design, the responses reflect a district perspective as opposed to the perspective of individual schools.

Results indicate that districts reported a *need* for the following:[13]

- To establish English Language Development standards and benchmarks;
- To establish criteria in order to evaluate the effectiveness of programs;
- To develop model programs and effective curricula for implementing the structured English immersion program; and
- To provide staff development and recruitment of qualified teachers possessing proper credentials.

Results also indicate the following *issues of concern*:

- Districts reported a concern for the mandatory 30-day waiting period for enrolling English language learners under the age of ten in a structured English immersion program prior to transferring them to a bilingual program.
- Only 68 percent of districts reported having notified parents of an opportunity to apply for waivers. In other words, 32 percent of responding districts had not. The Department found differences in district responses based on the number of English language learners enrolled in the district. In districts with low numbers of English language learners only 30 percent had notified parents;[14] in districts with a moderate number of English language learners, 80 percent had notified parents;[15] and in districts with a high number of English language learners, 90 percent had notified parents.[16]
- While districts generally reported that adequate training had been provided to teachers and staff regarding the general requirements of Proposition 227, less than adequate training had been provided for strategies, curriculum, and materials needed for structured English immersion instruction, alternative courses of study, and English language mainstream classrooms.
- About 76 percent of responding districts indicated that Proposition 227 did not have a major impact on the allocation of resources.[17] Conversely, slightly less than 24 percent of responding districts reported that Proposition 227 had a major impact on resources. The Department found differences in district responses based on the number of English language learners enrolled in the district: for districts with low numbers, only five percent indicated a major impact on resources; for moderate and high numbers of English language learners, a quarter of districts responded that Proposition 227 had a major impact on resources.

It should be noted that the survey did not specifically ask how many parents in each district had requested a waiver of the requirements of Proposition 227.

In addition to the information generated from the Department's survey, achievement scores from the Standardized Testing and Reporting (STAR) program were released on June 30, 1999. While Proposition 227 did not require an evaluation of the new program, schools have tested all California school children for the 1999 Stanford 9 and STAR augmentation.[18] While there will be a natural interest in comparing the scores of English language learners with results from last year, we need to be careful about interpreting these results because the population of English language learners is not exactly the same.

Until the State has information such as the number of students enrolled by type of program, how many are mainstreamed annually by type of program, the success of the one-year limitation, and other information, it will be difficult to evaluate the effectiveness of the new program, or any other serving English language learners. Further, absent such information, it will be difficult to determine if any additional legislation may be needed in order to educate language minority children in California.

II. IMMIGRATION TO CALIFORNIA: A MELTING POT OR COEXISTENCE BASED ON TOLERANCE?

California is home to many immigrants who have migrated to this state in search of a better life and economic opportunity. They have sought to realize the American dream by working hard, enjoying political stability, and establishing economic stability for themselves and their families. These immigrants bring with them their cultures, values, and languages.

After immigrants arrive in California, they adapt and conform in varying degrees to the American lifestyle, some by fully assimilating themselves with other Americans, others by selecting communities of people who share their culture and language. The latter group of immigrants has created clusters of ethnic groups which, in many respects, take on the cultural and language characteristics of their native countries.

These ethnic enclaves can be insulated environments where language and culture are reinforced and preserved. Some examples of such communities in California include San Francisco's downtown Chinatown, Hispanic neighborhoods in Los Angeles and San Jose, and Orange County's "Little Vietnam." For some immigrants, learning the English language is not necessary to their economic *survival*. They have managed to get by with minimal English-speaking ability, and by working in industries that do not require English-language fluency. Such industries include agriculture, clothing manufacturing, health care assistance, and food service.

The Importance of Language

Language is a powerful means of communication. Achieving English language proficiency may be viewed as an important skill that immigrants need in order to achieve economic security and social acceptance in America. However, the foreign languages that immigrants bring with them to this country serve other purposes; that is, these languages serve to embody and connect culture and heritage. For some immigrants it is especially important to maintain a connection with their native language, while for others it is not. Whether California may be viewed as a melting pot or simply as coexistence based on tolerance of various diverse ethnic communities may largely be determined through the survival of the various languages spoken here. That is, while language serves to maintain unity among minority ethnic groups, it also exposes the diversity among California's residents.

III. THE DIVERSE DEMOGRAPHY OF CALIFORNIA

In the past thirty years, California has witnessed a tremendous growth in the number of foreign-born, non-English speaking immigrants. During the 1970s, 1.8 million immigrants came to the state-a figure that exceeded all prior decades combined.[19] This number was doubled during the 1980s when 3.5 million new immigrants arrived and established residency in California.[20] The trends from the past decade have continued in the 1990s.

Data from the March 1998 Current Population Survey indicate that immigrants now comprise roughly 25 percent of the state's population. Among first generation immigrants,[21] the largest concentrations come from Latin America[22] and Asia.[23] Smaller immigrant groups come from Europe and elsewhere. According to the California Department of Finance, most immigrants have settled in Southern California, and nearly two-thirds reside in the Los Angeles region.[24]

A study of California's immigrants revealed many interesting trends of their demographic profiles.[25] Based on U.S. Census data, between 1960 and 1990, immigrants had higher high school completion rates than prior to 1960, except those immigrants from Indochina, Mexico, and Central America.[26] The fact that immigrants from these regions of the world complete high school at a lower rate is troubling when one considers that currently about half of California's foreign-born population is from Mexico or Central America, and another one-third is from Asia.[27] Consequently, overall educational levels among recent immigrants have declined.

These demographic indicators are relevant to our discussion for educating immigrant and language minority children in California public schools. If immigrant families arrive without a high school education, then it will be more difficult for them to provide the academic, as well as the English language support, necessary for their children to succeed in school.

Indicators of English Language Learners in California Public Schools

According to a 1997 Language Census Report published by the California Department of Education, there was a 220 percent increase in the number of English language learners between 1982 and 1997 in California's public schools.[28] As of Spring 1998, California public schools reported that there were 1.4 million English language learners, who comprise 24.6 percent of all public school enrollments and who are mainly concentrated in the primary grades (K-3).[29] Geographically, the bulk of English learners are concentrated in Los Angeles and Orange Counties. Eighty-one percent of English learners speak Spanish as their primary language, compared to three percent for Vietnamese as the second highest language concentration.[30]

Enrollments of English Language Learners

Table 1 below indicates the percentages of English learners who received language instruction in California's public schools by type of service in the 1997-1998 school year, prior to the passage of Proposition 227.[31] (Refer to the Glossary of Terms at the end of this report for definitions.)

These enrollment figures indicate that 16 percent of English learners enrolled in California public schools either did not receive assistance in developing their English proficiency or withdrew from such services. That is, despite their English language deficiencies, they attended regular courses. Further, Table 1 shows that slightly less than *one-third* of all English learners was enrolled in pure native language instruction (or bilingual education—called "ELD and Academic Subjects through the Primary Language") during the 1997-1998 school year. The 43.5 percent of pupils enrolled in the ELD and SDAIE[32] (with or without Primary Language Support) were not part of a native language program; however, they could have been in later phases of a bilingual program that was now taught overwhelmingly in English.[33] About 11.4 percent of pupils were enrolled in an ELD program, which promoted English acquisition skills of reading, writing, listening, and speaking. All of these pupils are now required to participate in the one-year sheltered/structured English immersion program pursuant to the requirements of Proposition 227, unless their parents or guardians seek a waiver for them to participate in an alternative program.

Table 1
1998 Enrollment in Language Services for English Learners in Public Schools

	English Language Development (ELD)	ELD and Specially Designed Academic Instruction in English (SDAIE)	ELD and SDAIE with Primary Language Support	ELD and Academic Subjects through the Primary Language	Withdrawn from all services	Not receiving instructional services
State Totals	159,617	307,176	305,764	409,879	21,886	201,844
Percent	11.4	21.8	21.7	29.1	1.6	14.4

Source: California Department of Education, Language Census Statewide Summary, Spring 1998.

Redesignation Rates for English Learners

According to the California Department of Education, seven percent (or 96,545 students) of the total number of English language learners were redesignated as having achieved fluent-English proficient (FEP) status in 1998. Without a broader context, these data do not provide sufficient information regarding their meaning. Specifically, information is not available regarding:

- How long English learners participate in any of these programs;
- The pupil's age and whether this factor influences how long an instructional method should be provided;[34] or

- Whether English learners are mainstreamed after achieving English language fluency.

The latter finding is significant and was recently discussed as part of a national evaluation study.[35] Specifically, that study revealed that early mainstreaming did not occur for students after they were reclassified as having achieved English fluency status (FEP) for both English immersion programs and for Early-Exit bilingual education programs.[36] Table 2 displays these findings.

Table 2
Percentages of English Learners Reclassified to FEP and Mainstreamed during Study, by the Years in the Program[37]

Number of Years in Program	Immersion: Percent Reclassified	Immersion: Percent Mainstreamed	Early-Exit: Percent Reclassified	Early Exit: Percent Mainstreamed	Late-Exit: Percent Reclassified
1 (End of K)	3.9	1.3	12.6	1.6	11.8
2 (End of 1st)	21.2	10.7	25.4	9.1	12.7
3 (End of 2nd)	37.9	19.4	43.8	14	28
4 (End of 3rd)	66.7	25.6	72	16.9	50.8
5 (End of 4th)	*	*	*	*	67
6 (End of 5th)	*	*	*	*	78.6

Source: Ramirez et al. (1991).

A few possible explanations for reclassification without mainstreaming exist. First, school districts retain FEP pupils in English language development or bilingual education classes in order to continue receiving Economic Impact Aid, which currently funds their language development programs.[38] Second, teachers may retain FEP children in English development classes because they believe that these students are not yet academically ready to join students in mainstream courses. Third, teachers may be concerned that there exists little transition assistance for these pupils. However, there are scarce data available to support or refute these arguments.

One may wonder whether teachers themselves have a negative incentive to move English language learners out of their classes if teachers' salaries are connected to the number of English language learners being instructed in their classes. There are some California school districts that provide stipends to bilingual teachers. In some cases, the stipend is offered for teachers merely possessing bilingual certificates. Other school districts offer stipends to teachers who have acquired a bilingual certificate and assign them to English learners to provide specialized services to these pupils. Thus, such stipends are used to recruit and retain teachers with specialized skill, depending on the nature of the service and type of school or assignment. While other school districts offer stipends to teachers who have bilingual certificates and who have a certain number of years of experience (for example, five) or have a minimum number of English learners in their class (for example, six). It is not known exactly how many school districts offer stipends as

part of their collective bargaining agreements with teachers, but it is not a widespread practice.[39] School districts use many measures to assess the progress of their pupils, including language appraisal teams, language assessments, etc. in addition to relying on teacher judgement for deciding to mainstream English language learners. It is not clear what impact the use of stipends has on teachers with bilingual certificates and how it could affect overall redesignation rates in California.

Dropout and Graduation Rates Among English Learners

Dropout and graduation data, collected and reported by the California Department of Education,[40] are only reported by gender and ethnicity and do not provide us with information about whether a dropout or high school graduate student was an immigrant and/or an English learner. Further data on dropouts and high school graduates are not linked to bilingual education programs. This is important to point out since there are assertions that dropout statistics somehow reflect on bilingual education. Since the State does not disaggregate dropout data by subcategories of pupil populations (i.e., English learners), the State has no way to gauge English learner progress through the K-12 educational system.

In early June 1999, the California Department of Education released a report regarding the high school graduation rate. According to this report, nearly 283,000 high school students graduated in 1998, representing a 67.2 percent graduation rate for students over a four-year period from ninth through twelfth grade.[41] The methods for calculating the graduation and dropout rate are problematic, since they do not consider student mobility, enrollment changes, or school district boundary changes. Furthermore, since the current data collection procedures do not allow for an accurate individualized student count for dropouts,[42] the estimated rate does not match the graduation or completion rate. While the dropout rate continues to decline, the Department is reluctant to emphasize this trend because of the difficulties in collecting quality data.

The California Legislature appropriated funds to the Fiscal Crisis and Management Assistance Team (FCMAT) to develop a student information system, through the California School Information Services (CSIS), that will provide much better data about the number of students graduating, completing, and dropping out of high school. The purpose of the CSIS program is to build the capacity of schools to implement and maintain student information systems that will enable accurate and timely exchange of student transcripts between schools and postsecondary institutions, and to assist schools in transmitting electronic data to the state. Through this effort, CSIS will develop a unique student identifier that will assist schools to keep track of students as they transfer and progress through public schools. It is estimated that it will take approximately five to seven years for statewide implementation of CSIS.

IV. SELECTIVE HISTORY OF LANGUAGE LAWS AND POLICY FOR LEARNING ENGLISH

The above data suggest there are current challenges facing the diverse population of students found in California's public schools. However, many of these challenges are not new to American public education. There is a rich history of how America's public schools have accommodated immigrants lacking English language proficiency.

As early as the 1690s, German-speaking immigrants operated schools in their native language in Philadelphia.[43] Until the 1880s, teachers commonly used Dutch, French, Swedish, and German in both public and private schools.

A rising tide of anti-immigrant feeling, accompanied by a strong sense of nationalism during World War I, generated public sentiment against teaching in any language other than English. By 1917, wartime hostility toward Germany caused some states to ban the use of German in public schools. By the end of World War I, 15 states declared English as the official language in schools. This trend continued until the 1960s, as more states passed laws forbidding languages other than English from being used in schools.

About the same time, Latino activists, at the height of the civil rights movement, raised concerns about high dropout rates among Spanish-speaking students, then in excess of 50 percent nationally.[44] Capitalizing on the momentum resulting from that movement, Latino leaders sought to improve the educational attainment of Hispanics, and introduced federal legislation that passed as the Bilingual Education Act of 1968. It prohibited discrimination on the basis of a student's limited-English ability, and aimed at assisting Mexican-American children's efforts to learn English.

Shortly thereafter, in 1974, the U.S. Supreme Court ruled in the *Lau v. Nichols* case that children with limited English proficiency have the right to equal access to public education along with the right to assistance in learning English.[45] In response to this case, Congress quickly moved to pass the Equal Educational Opportunities (EEO) Act of 1974.[46] This federal law requires school districts receiving federal funds to include in their curriculum a program of English language instruction for students of limited English-speaking ability. The EEO Act also required school districts to take appropriate action to overcome language barriers that impede equal participation by those students in instructional programs.

California's Language Policy

In addition to these federal court case and laws, three other major federal cases provided policy direction for California in administering programs to English learners. These cases are *Castañeda v. Pickard*;[47] *Gómez v. Illinois State Board of Education*;[48] and *Keyes v. School District No. 1*.[49]

The *Castañeda* case has been especially important for California in providing a framework for English language learner programs. It specifies three criteria that programs receiving federal funds must meet in serving English language learners:

a) a program must be based on sound educational theory or principles;
b) a program must effectively adopt an educational theory; and
c) a program that fails to produce results after being employed for a sufficient time to give the program legitimate trial, indicating that language barriers confronting students have not been overcome, will no longer constitute appropriate action on behalf of the school.

The *Gómez* case required state and local educational agencies to ensure that they meet the needs of the limited-English proficient students.[50] The *Keyes* case led to the requirement that a teacher have the necessary bilingual skills to communicate effectively and to provide instruction to students who are English learners.[51]

California has enacted several laws directed at instruction of English learners.[52] In addition to Proposition 227, two other laws exist. The first is the Impacted Languages Act of 1984, whose purpose is to provide assistance to districts that are impacted by refugee and English learner pupil populations.[53] The second is the Bilingual Teacher Training Assistance Program of 1981, the purpose of which is to provide training for teachers who have been granted bilingual teacher waivers.[54] It may be necessary to review the compatibility of these laws with the newly enacted Proposition 227.

California had also previously enacted the Chacon-Moscone Bilingual-Bicultural Education Act of 1976, which required school districts to offer bilingual learning opportunities to each pupil who was assessed as an English language learner in public schools. This Act contained a sunset clause, which became effective on June 30, 1987.[55] For eleven years following the Act's sunset, the Legislature was unable to garner necessary consensus for any subsequent legislation regarding bilingual education. However, the Legislature did authorize the State to continue to fund the general purposes of the bilingual law despite its sunset condition.[56]

California State Board Action

As recently as July 14, 1995, the State Board of Education revised a policy statement[57] that directed the California Department of Education to continue administering funds[58] for *eight general purposes* identified in the sunset bilingual law.[59] The State Board policy statement also determined that parent advisory committees continue as part of the sunset program.

The State Board's policy statement established two goals for all school districts providing educational programs and services for English learners, including: 1) rapid development of English language proficiency (literacy), including speaking, reading, and writing; and 2) opportunity to learn, including access to a challenging

core curriculum and access to primary language development. The Board also established five principles that related to educational programs and services for English learners.[60]

In March 1997, the State Board of Education issued a Program Advisory for English Learners. This Advisory clarified school districts' legal responsibilities when providing educational services to English language learners and specified their obligations when applying for and implementing waivers of the then current legal requirements.

In late February 1998, a Sacramento Superior Court Judge ruled that the sunset provision, § 62002 of the Education Code, repealed the substantive provisions of the Bilingual Act, except as discussed for funding of the general purposes of that act. That is, notwithstanding continued state funding of bilingual programs under the inoperative law, instruction in a child's primary language was *not considered a general purpose* of the inoperative Bilingual-Bicultural Act.[61] Instead, the court ruled such funding was only *one means* to obtain the general purpose of the program. The implication of this ruling was that local school districts must provide native language instruction only when it was *deemed necessary*.[62] There was nothing in the ruling that prohibited the offering of native language instruction; however, the ruling did not require it either. Thus, the Court ruled that the State Board of Education, in issuing waivers to school districts that had sought exemption from the mandatory provision of native language instruction, was contrary to law.[63]

The plaintiffs have since appealed the court's decision regarding the judgement that primary language be provided to English language learners "when necessary."

In March 1998, following this ruling, the State Board of Education rescinded its policies and program advisories on bilingual education.[64] At its April 1998 meeting, the State Board of Education issued a new policy statement, which communicated the Board's intent to strongly encourage school districts to take appropriate action to achieve and monitor the development of English learners' proficiency and academic achievement. School districts were no longer required to provide native language instruction to English language learners, thereby granting greater local flexibility to school districts to provide instructional services to English language learners.

The new policy statement for English learners allowed school districts to initially focus instruction on English language development and then provide instruction in the core curriculum courses (mathematics, science, history, language arts, etc.). According to the State Board, federal guidelines authorized this pattern of instruction in which teaching of English language skills would come first, followed by focus on the core curriculum, otherwise known as "sequential" instruction. This legal interpretation clearly contrasted with the Board's previous policies. Earlier, English learners were required to develop English language skills *at the same time* as they received instruction in the core curriculum, otherwise known as

"simultaneous" instruction. In most cases, the former policy was carried out via a bilingual education, or native language, program.

In October 1998, following the passage of Proposition 227, the State Board once again revised and adopted a new policy statement on educational programs and services for English learners, to be in alignment with the new law.

State Board Amends Title 5 Regulations Relating to English Language Learners

In spring of 1998, the State Board commenced a multi-step process for aligning the Title 5 Regulations governing the Consolidated Categorical Aid Programs with existing law. The first step included removing all regulations, which no longer had any statutory authority in the Education Code.[65] The State Board adopted these amendments in April 1998. On June 22, 1999, the Office of Administrative Law approved these regulatory changes.

The second step of the process was to make technical changes in existing Title 5 regulations relating to consolidated categorical aid programs and, given the passage of Proposition 227, included the requirements of this new law.

The third and most controversial step of the process was to review sections of the Title 5 regulations in which substantive regulations were necessary. The State Board acknowledged the difficulty of this work, and therefore adopted a workplan, in December 1998, to broadly discuss and receive input for making regulatory amendments.

The proposed amendments relating to Bilingual Education included:[66]

- Delete § 4301. *Effective Instruction—Bilingual Learning Opportunities* (proposed amendments removed the requirement that districts offer bilingual instruction).[67]
- Substantively amend § 4304. *Census* (proposed amendments removed the requirement that an unassessed English language learner be placed in a bilingual program until a census procedure was complete for that pupil, and other procedures regarding census taking).[68]
- Substantively amend § 4306. *Reclassification* (proposed amendments removed some criteria used for reclassifying pupils from an English language learner category).[69]
- Substantively amend § 4311. *Academic Assessment* (proposed amendments removed the requirement that English language learners be tested in their primary language).[70]
- Technically amend § 4312. *Advisory Committees* (proposed amendments removed references to bilingual instruction or the term "limited-English proficient").[71]

The State Board held a public hearing regarding the proposed technical and substantive amendments at its March 1999 meeting. In response to the comments submitted to the State Board for that hearing, legal staff were directed to review the issues raised. In the broadest terms, assertions were made that the proposed modifications would violate state law and the state's obligation under federal law. Despite the Department's legal counsel's request for further discussion and analysis of issues raised, the State Board voted (7-2) to forward the proposed technical and substantive amendments[72] to the Office of Administrative Law (OAL), at its April 1999 meeting. OAL approved the proposed changes on June 23, 1999; and they will take effect in 30 days, when they are filed with the Secretary of State's Office.

Future modifications of one substantive amendment,§ 4306, as laid out in the adopted workplan, were to be discussed in July 1999. However, the Department submitted a proposed new workplan in May 1999 to the State Board, indicating that draft amendments of § 4306 and § 4311 would not be submitted to the State Board until February 2000.[73] Until further modifications are adopted and approved, school districts do not have state direction or operate with uniform guidelines regarding the procedures for census taking, reclassification, or assessment of English language learners.

V. TESTING PROGRAMS AFFECTING ENGLISH LANGUAGE LEARNERS

The Legislature recently enacted two testing programs that affected California's English language learners. These programs included the Standardized Testing and Reporting (STAR) Program and the English Language Development Assessment Program.

The Effects of the STAR Program on English Language Learners

Governor Pete Wilson signed the STAR program into law on October 8, 1997. The California Department of Education, through local school districts, annually tests all public school pupils in grades 2 through 11 beginning in the spring of 1998, to determine their aptitude in a variety of subject areas.[74] The results of the STAR examination have allowed parents and the public to compare the performance of children in their child's school to children in the same district, county, and the state as a whole, by grade level and subject.

The law enacting the STAR program includes two provisions relevant for English learners. The first provision[75] allows school districts the option to provide a second achievement test in the primary language of English language learners enrolled in grades 2 through 11, inclusive. Thus, in addition to the statewide administration of the STAR examination, English language learners could have the opportunity to be tested in their native language. A recently adopted amendment to this provision requires that the primary language tests produce individual test scores that are valid and reliable.

The second provision[76] requires that English language learners enrolled in grades 2 through 11, inclusive, take an achievement test in their primary language if such a test is available and if they have been enrolled in any California public school for less than 12 months.[77]

The implementation of the STAR program raised concerns for some school districts with high concentrations of English learners. These school districts argued that because many of their pupils lack English language proficiency and that the STAR test is administered in English, test results may not accurately reflect English learners' aptitude in the tested subjects. For these reasons, San Francisco Unified refused to administer the STAR examination to English learners. This prompted the State to file a lawsuit against that district to force compliance.[78] The judge in the case ruled that scores for English learners could be published only on specified conditions. For more details regarding this case, refer to Appendix A: *Legal Challenges*.

Since that ruling, the aggregate scores of the 1998 STAR examination, including the aggregate scores for English learners, have been made available to the public.[79]

On June 30, 1999, the California Department of Education released scores from the 1999 administration of the Stanford 9 STAR examination. And for the first time, California pupils responded to test questions reflecting the state-adopted content standards for reading, writing, and mathematics; this test is referred to as the STAR augmentation. Due to concerns raised regarding errors of grouping of English learners with mainstream pupils' scores, the California Department of Education only released overall statewide results for the Stanford 9 and STAR augmentation. The Department returned the data files to the publisher and expects to publish group scores for English learners by July 15, 1999.

While there will certainly be a natural interest to compare the scores to those released a year ago, some caution should be applied in interpreting any changes in the scores from last year as a way to evaluate the effectiveness of a structured English immersion program. The population of English learners is not exactly the same as it was a year ago and the first year statewide implementation of that program has not been uniform.

English Language Proficiency Assessment Program

California recently enacted a law requiring the State Superintendent of Public Instruction, with the approval of the State Board of Education, to either identify an existing test or a series of tests that are aligned with the state standards for English language development.[80] The purpose of such a test is to provide a benchmark of a pupil's English language skills and to determine a pupil's progress toward achieving English language proficiency. In addition, the law requires the State Board of Education to approve English language development standards for English learners.

In response to this statute, the California Department of Education worked with the San Diego County Office of Education to create an advisory committee comprised of state and national experts in the areas of assessment and second language acquisition to develop appropriate English language development standards. The Department presented draft standards to the State Board of Education at its November 1998 meeting that were grade specific. Since that time, the Department has revised the draft standards to identify standards that were common to all grade levels and which could distinguish English language skills by beginning, intermediate, and advanced skill levels. An Executive Summary, which serves as an abbreviated version of the ELD standards, and an extensive version of the standards were developed and refined, both of which were again presented to the State Board at its April 1999 meeting.[81] It is expected that the State Board at its July 1999 meeting will adopt the revised standards.

VI. RECENT LEGISLATIVE PROPOSALS AFFECTING CALIFORNIA'S ENGLISH LANGUAGE LEARNERS

Since California's major bilingual law sunset, the Legislature has made numerous attempts to extend and/or reform bilingual education. During the 1998 legislative session, the Legislature considered several proposals that would have affected English language learners. Two legislative proposals were nearly successful, including Senate Bill (SB) 6 (Alpert) and Assembly Bill (AB) 2620 (Davis).

SB 6 would have allowed schools to use almost any method they chose to educate students considered to be English learners, within a three-year period, and in exchange for a promise to regularly evaluate student achievement. This bipartisan proposal had been winding its way through the Legislature for more than two years, when just weeks before the electorate enacted Proposition 227, the Legislature finally passed it. Governor Wilson vetoed SB 6, stating that legislative consensus had not only come too late, but that the legislation contained serious flaws.[82]

AB 2620 also passed through the Legislature after Proposition 227's enactment; however, Governor Wilson also vetoed it. This bill would have required the California Department of Education to survey state preschool and child care programs in California that serve English learners to determine the best methods to prepare them to master the English language.[83]

VII. LITERATURE REVIEW OF PROGRAMS SERVING ENGLISH LANGUAGE LEARNERS

Most of the research related to programs serving English language learners in the United States began in the early 1970s, following the passage of the federal Bilingual Education Act of 1968. While formal research in this field is fairly recent, few studies are considered scientific (i.e., are methodologically and statistically sound) and give us information whether or not instructional programs serving English learners are effective.[84]

The National Research Council (NRC), in its 1997 review of the research of language programs serving English learners, acknowledged the limitations of the research conducted in this field.[85] The NRC report said that the research is extremely politicized, which makes it difficult to synthesize program evaluations. In some cases, the researchers themselves appear to be advocates for their ideological positions, even though their research may not support their conclusions.[86]

After enacting federal laws for providing specialized instruction to non-English speaking immigrant children, native language instruction became the "dominant paradigm," even though it was not specifically mandated in federal law. California's original laws reflected this by mandating native language instruction when deemed necessary, which was predominantly in Spanish.[87] Over time, however, some California schools faced a need to educate children who spoke a mix of languages, including Hmong, Vietnamese, Cantonese, Russian, and others. Developing a bilingual program for all of these languages seemed impractical. Gradually, some researchers proposed an "alternative paradigm," namely the immersion approach for educating language minority pupils.

Educational Goals for English Language Learners

According to federal law and state policy, there are two main goals for serving English learners. The first goal is to enable English learners to become English proficient. Instructional methods that address the first goal include English Language Development (ELD) instruction or English as a Second Language (ESL) as is generally used for adults. According to Gersten and Woodward, initial ESL programs focussed on grammar and usage without any context; and over time, these programs began emphasizing the use of natural conversation as a way to learn a second language.[88] Further, many recent ESL programs have joined second-language instruction (ESL) with reading, language arts, and other content area instruction.[89]

The second main goal is to provide pupils with equal access to the core curriculum. There are different instructional methods for providing English learners with access to core subjects. Some researchers and educators believe that providing native language instruction is a more effective and beneficial approach for educating

immigrant children. Others claim that immersing children, with some native language support in subject areas, is more effective. The research related to educating language minority children is consumed with demonstrating definitively that one method or the other is more effective. The research and education community that serves language minority children in schools has become polarized into supporting one instructional approach or the other. This has contributed to situation where constructive dialogue has become virtually nonexistent.

Another method of providing English learners with access to core curriculum is through "Sheltered English," or what is now commonly referred to as "Specially Designed Academic Instruction in English" (SDAIE). It is not designed for developing English language skills, as stated in goal one above. Rather, *in theory*, SDAIE is provided:

- as one component of a native language instruction program;
- for English learners who have achieved an intermediate level of proficiency in English, and thus possess basic literacy skills; and
- as a method to teach the core curriculum (usually for the teaching of grade-level subject matter such as science, mathematics, language arts, etc.).[90]

In practice, this method is carried out differently.[91] About 43.5 percent of English learners in California public schools gained access to the core curriculum using the SDAIE method in 1998, although their instruction was not part of a native language program.[92] These pupils also received ELD instruction; thus, they presumably did not possess basic English literacy skills.

Some school districts with large influxes of English learners with varied language backgrounds began exploring the use of sheltered English and SDAIE in immersion programs as a way for English learners to gain access to content area subjects. Integral to the use of sheltered English/SDAIE was the fact that English instruction was comprehensible; that is, it was sensitive to these pupils' level of English proficiency.[93]

Although there is some descriptive material available regarding "sheltered English" or SDAIE, there has been no evaluation of its effectiveness.

Program Labels are Often Meaningless

Another general limitation in the field of bilingual education is the use of program labels. Program labels are not consistently applied, and therefore render themselves meaningless because there are many assumptions governing these labels. Further, programs serving English learners do not strictly adhere to the theoretical basis on which they are founded; thus, the labels attached to these programs do not provide a full description of their components.

An example of the confusion associated with labeling is with the "immersion" model, which has some important programmatic features. According to F. Genesee, the Canadian French immersion model has the following four goals:

1. *To provide the participating students with functional competence in the second language;*
2. *To promote and maintain normal levels of first language development;*
3. *To ensure achievement in academic subjects commensurate with the students' academic ability and grade level; and*
4. *To instill in the students an understanding and appreciation for the target language group and their language and culture without detracting in any way from the students' identity with and appreciation for the home language and culture.*[94]

It is a modified bilingual education approach. For example, the Canadian French immersion model teaches English-speaking students entirely in French until second grade, at which point English is introduced as an English language arts class for one period. By fourth grade, pupils in these programs receive particular subject matter instruction in English and end up with approximately 60 percent of their instruction through English in fifth and sixth grades.[95] In this environment, students' primary language (i.e., English) is not at risk of being lost because many of these children are from middle class backgrounds,[96] and are not immigrants themselves. It is a voluntary program, in which parents can opt to enroll their children. Many describe the Canadian French immersion model as providing an *additive* feature; that is, students learn French and core subject courses in French at the same time as maintaining their own English language proficiency.

This is contrasted with the English immersion model, which has been described as having a *subtractive* feature. Programs labeled "English immersion" are commonly used to teach immigrant children in the United States. In this model, immigrant children learn a new language, such as English, as a substitute for their native language. As discussed earlier, since language embodies culture, such *subtractive* features of the English immersion model and "short-term" native language instruction programs[97] are disturbing to some researchers, educators, and parents. They have raised the concern that as immigrant children become English language proficient, they will lose their native language and thereby suffer a disconnect from their culture and heritage.[98]

In many communities across the country there is a growing interest in "heritage community language schools." These community language schools provide language instruction and cultural activities for many immigrant communities wishing to pass them down to their children and to be informally connected to other members of their cultural community. Many Jewish/Hebrew, various Asian, Armenian, Ukrainian, Spanish and numerous other language schools operate in local communities across the state and the nation that offer instruction and/or cultural activities after school or on weekends. Unfortunately, there is only limited

information regarding these community efforts and they are not uniformly available in local communities across the state.[99]

A Selective Review of Evaluations

The National Research Council's recent review of the literature related to instructional services for English learners is mixed and inconclusive. Technical Appendix B provides a selective review of studies that directly compares native language and immersion programs. The studies included in this review support the NRC's conclusion that we do not yet have enough information to determine which types of programs are most suitable for educating language minority students. To date, there has been no study supporting the one-year English immersion policy. That does not mean California's schools and pupils cannot meet that challenge, but that an evaluation study is necessary to specifically examine the effectiveness of the one-year English immersion programs currently being implemented in California.

VIII. RELATIONSHIP OF BRAIN RESEARCH AND SECOND LANGUAGE ACQUISITION AND LEARNING

Research into the relationship between brain activity and second language learning and acquisition is still in progress. To date, that research remains mixed with competing hypotheses and contradictory findings. Nevertheless, close examination of this literature reveals some findings that may help to provide a basic understanding of this complex field. In particular, some consensus among researchers exists suggesting that age is an important variable in acquiring or learning a second language. While this literature primarily explains the importance of age as it relates to biological maturation of the brain, it appears that learning from social interactions or motivation (i.e., attitude) may also help explain children's ability to learn and acquire a second language.

Integral to the discussion of the importance of age is a debate among researchers whether a "critical period" for second language acquisition and learning exists. Some evidence suggests that as children and adults age, native-like proficiency in a second language becomes increasingly more difficult. The research suggests that different parts of the brain may be used to process a second language in older children and adults than a young child who learns a native and second language simultaneously.

Researchers are careful to point out that while they may be able to identify areas of the brain that are used for *processing* a second language, this does not directly translate into effective *teaching and learning methods*.[100] Given that caveat, some researchers believe that traditional teaching methods of a second language may not incorporate information emanating from brain research. That is, traditional methods have tended to be rule based, focussing on grammatical structure rather than providing natural context for language development, or providing a combination of both of these methods.[101]

Furthermore, it may be that each child or adult's brain is different, making it easier for some children or adults to acquire or learn a second language in a rule-based environment, whereas other methods may be more effective for other children or adults in acquiring a second language.[102] If this were true, then it would be necessary to structure curriculum that would account for differences in individual learning. The practical limitations in executing such an individualistic approach would be difficult to overcome, given the limited time and resources in public education classrooms.

What we can say is that the younger a child learns a second language, the more native like he/she will become in that second language (particularly if he/she is younger than say about age seven). In contrast, an adult (particularly older than say age 21) may acquire the second language faster than a younger child, but most likely will never lose his/her foreign accent. In any event, more research is needed for better understanding the relationship between brain activities and acquiring/learning a second language. Technical Appendix C provides more detail into the technical considerations of the relationship between brain development and second language acquisition/learning.

IX. POLICY CONSIDERATIONS FOR EDUCATING CALIFORNIA'S ENGLISH LANGUAGE LEARNERS

Lack of consensus in the research literature, mandates imposed by Proposition 227, and current legal challenges to the initiative raise numerous policy issues. Among the more important issues the Legislature and the Governor may face in the coming year include the following:

Issue 1: Existing and Sunset Bilingual Laws

There are a number of sections in Article 3 of the Education Code relating to bilingual education that appear to be inconsistent with the newly passed English for the Children in Public Schools Act of 1998, a.k.a. Proposition 227. For example, the Impacted Languages Act of 1984 and the Bilingual Teacher Training Assistance Program of 1981 still call for bilingual instruction in ways that appear to directly conflict with the newly passed English for the Children in Public Schools Act of 1998. Thus, the Legislature may wish to review such sections to harmonize with existing education laws and regulations relating to English language learners.

Issue 2: Annual Collection of Data

There are a number of sections in Article 3 of the Education Code relating to the Chacon-Moscone Bilingual-Bicultural Education Act of 1976 that sunset as of 1987 that may require new "activating" legislation. For example, the Legislature may wish to provide direction regarding the identification, language census collection, reclassification, and redesignation of English language learners. Furthermore, the Legislature may wish to consider collecting additional data, such as:

1. The number of pupils enrolled by type of instructional program (i.e., structured English immersion, native language instruction, two-way bilingual program, dual immersion program, etc.);
2. The number of hours English learners receive in English language development, Sheltered English or Specially Designed Academic Instruction in English, mainstream core subjects in English, etc.;
3. The number of parents requesting waivers of the structured English immersion program;
4. The number of English learners who are reclassified as fluent English proficient by type of instructional program;
5. The number of fluent English proficient pupils who are redesignated to mainstream classes; and
6. The number of English learners who are mainstreamed, by the number of years in an instructional program.

Issue 3: Teacher Education and Training

Teachers are a critical element in providing a quality K-12 public education to our pupils. Therefore, they need to be properly trained. Specifically,

- Proposition 227 did not address the issues regarding teacher credentialing, thus teachers continue to be trained under current law to provide English language development (ELD) or sheltered English (SDAIE) instruction. As the new program for sheltered/structured English immersion is defined, the Legislature may wish to direct the Commission on Teacher Credentialing (CTC) to align teacher preparation and training programs with the new one-year sheltered/structured English immersion program.
- The Legislature may wish to direct the Commission on Teacher Credentialing to develop programs to provide in-service support and training for teachers who are currently in the classroom with English learners in order to effectively meet the goals of the new one-year sheltered/structured English immersion instructional program.

Issue 4: Clear Definition of English Proficiency

As the English Language Development (ELD) test is developed by the California Department of Education and adopted by the State Board of Education, a clear definition should be provided for a "reasonable level of English proficiency." The Legislature may wish to require CDE to develop and the SBE to approve criteria for English learners to be reclassified to "fluent English proficient" status and specify what level of proficiency is needed for them to join mainstream classes. This is particularly important since the Office of Administrative Law recently approved regulatory amendments including § 4306 (*Reclassification*) and § 4311 (*Academic Assessment*) of Title 5 Regulations. We need to be practical about mainstreaming English language learners in the shortest amount of time after they have acquired the necessary proficiency in English and recaptured any academic deficits. For some English language learners, mainstreaming may occur after approximately one year of sheltered/structured English immersion instruction expires, but for others, it may take a longer period of time. There is a risk that if mainstreaming is prolonged for some English language learners who need more time to acquire a necessary level of English language proficiency to succeed in mainstream classes, they may never "catch up" with academic subjects.

Of course, the same criteria, for determining "reasonable level of English proficiency" and mainstreaming, should apply to English language learners who are enrolled in a sheltered/structured English instruction or alternative instructional programs.

Issue 5: Need for Disaggregated Dropout and Graduation Data

The dropout and graduation data collected by school districts and reported statewide by the California Department of Education appear to be unreliable and have caused considerable recent controversy. Even if these data were credible, they would shed no light on dropout rates for English language learners, because they are unidentified or indistinguishable when the data are collected. As the Fiscal Crisis and Management Assistance Team (FCMAT), and the Legislature work to create a unique student identifier number through the CSIS program, it would be useful if the unique identifier were able to identify pupils as English language learners; determine whether or what type of language instructional program the English learner attended (i.e., sheltered/structured English immersion, native language, two-way immersion, etc.); and apply to the collection of dropout and graduation data.

Issue 6: Transition Plan

The Legislature may also wish to consider instituting a "transition plan" for English learners, given the possible difficulty they may encounter in transitioning into mainstream classes. Once these students are transferred from a sheltered/structured English immersion program to mainstream classes, they may be more at risk for academic or social integration, which could possibly lead to dropping out of school altogether. Such a "transition plan" may include special mentoring support programs, after school programs, and English language and academic support programs. Such support is particularly critical for many English language learners whose family members are not English proficient or who do not have educational attainment levels that are necessary to assist their children in their educational endeavors.

Issue 7: Evaluation of Sheltered English or Structured English Immersion Program

Proposition 227 was silent in terms of evaluating the new one-year sheltered/structured English immersion program enacted by the voters. It is vital to the State that the new program be evaluated, by an independent contractor, to determine the program's effectiveness in comparison with alternative programs provided to English learners. Such an evaluation should examine the following:

- Identify best practices among schools that are implementing sheltered/structured English immersion program or alternative language programs for English language learners.
- Examine reclassification procedures for English language learners to Fluent-English Proficient status for sheltered/structured English immersion program or alternative programs.

- Determine how well English language learners adjust to mainstream classes following their redesignation from a sheltered/structured English immersion program or alternative program.
- Provide specific recommendations to state policymakers regarding ways to enhance programs for English language learners.

Such an evaluation should focus on the following three variables and the relationship between them for the sheltered/structured English immersion program or alternative language program:

1. *Program inputs* (i.e., teaching and paraprofessional staff qualifications and ratios, program curriculum, instructional materials, etc.);
2. *Program processes* (i.e., identification of English learners using *Home Language Survey* and periodic assessment for benchmarking progress toward English language proficiency, processing of parental waivers, how reclassification criteria lead to change in pupil status from English learner to Fluent English Proficient, when mainstreaming for FEP status pupils occur, communication with parents/guardians, etc.); and
3. *Program outcomes* (i.e., redesignation rates for English learners/rate of mainstreaming Fluent-English Proficient (FEP) pupils in regular classes, school participation/dropout rates for English learners, grades/achievement scores for FEP pupils after mainstreaming including the STAR test as well as other measures, etc.).

Based on the results of such an evaluation, state policymakers would have more information to determine ways to modify parameters for existing programs in order to effectively educate language minority children in California.

Issue 8: Community Language Schools

Many California communities offer heritage or community language schools for their children, as a way to teach cultural traditions, maintain language, and acknowledge one's heritage. While there is limited information regarding these community efforts, many Jewish/Hebrew, Asian, Armenian, Ukrainian, Spanish and numerous other language schools operate in local communities across the state that offer instruction after school or on weekends. The Legislature may wish to explore the possibility to provide competitive grants to local communities for such programs as a means to enrich our society and the cultural diversity found within California's communities.

Issue 9: Foreign Language Instruction

Research exists to support the idea that it may be more beneficial to teach younger age pupils a foreign language while their brains are still "flexible" and adaptable, as opposed to doing so later, such as in middle or high school years. Several states, including Arizona, Arkansas, Louisiana, Montana, North Carolina, and Oklahoma have legislative mandates to offer foreign language instruction in elementary schools. The Legislature may wish to consider ways to incorporate foreign language instruction for primary grade pupils.

TECHNICAL APPENDIX A: Legal Challenges

The following section provides a brief description of legal challenges currently pending in the courts regarding English learners. These are grouped into the following themes: constitutionality of Proposition 227; waivers for Proposition 227; and STAR examination results of English language learners.

Legal Challenges Regarding the Constitutionality of Proposition 227

Immediately following the passage of Proposition 227, a coalition of civil rights, education and minority groups challenged the constitutionality of Proposition 227. The suit alleged that the initiative violated several federal laws, including the Equal Educational Opportunities Act of 1974, Title VI of the Civil Rights Act of 1964, the Supremacy Clause of Article VI, Clause 2 of the U.S. Constitution, the equal protection clause of the 14th Amendment of the U.S. Constitution, the due process provisions of the 5th and 14th Amendments of the U.S. Constitution, and a violation of federal rights under color of state law.[103]

The plaintiffs alleged that the one-year structured English immersion program would adversely affect English learners in several ways:

- It would place children prematurely into English-only classrooms without the necessary support they may need to compete with regular mainstreamed children;
- English learners would fall behind in academic subjects;
- Inadequately trained teachers and insufficient subject materials would exist for the new Sheltered English Immersion programs; and
- English learners might end up in low-achieving courses or be held back in grade levels should they be unable to meet academic standards.

In response to these arguments, on July 15, 1998, U.S. District Court Judge Legge denied the plaintiffs' motion for a preliminary injunction against the initiative's implementation and ruled that the initiative did not facially violate any federal laws. Judge Legge concluded that the plaintiffs failed to provide prima facie evidence that Proposition 227 violated the Equal Education and Opportunities Act. He also ruled that the initiative is based on <u>one</u> educational theory to teach English learners, which is supported by some educational experts and has evidence of actual experience. Further, the judge stated that until the state adopts regulations and school districts have an opportunity to implement the initiative's programs, the court is unlikely to have the necessary facts to determine if the programs are effective or not.

The plaintiffs appealed Judge Legge's decision, which they later dismissed. Instead, the plaintiffs amended their original complaint; motions and crossmotions were submitted to the court. At a hearing on January 15, 1999, Judge Legge took these matters under submission and consideration of the court. At a status conference held on June 4, 1999, the Court issued an order to govern resolution of the plaintiffs' two pending claims: 1) equal protection claim, and 2) claims under the Equal Educational Opportunities Act,

Title VI and its implementing regulations, and the Supremacy Clause. Under the first claim, the Court ordered that a hearing be held on June 19, 2000, to hear argument. Under the second series of claims, the Court ordered a scheduling of a hearing for argument on a date convenient to its calendar on or after December 29, 2000. The order from the Court further stated that the schedule provided therein was subject to further refinement or modification by the court.

Another Education and Civil Rights Consortium Files Suit

On December 3, 1998, the California Teachers Association, the Association of California School Administrators, the National Association of Bilingual Educators, the Association of Mexican American Educators, and the California Association for Asian-Pacific Bilingual Education filed suit against Governor Wilson, the members of the State Board of Education, and the Superintendent of Public Instruction on the alleged unconstitutional nature of Proposition 227.[104] The plaintiffs contend that many terms used in Proposition 227 are not defined. For example, they claim that teachers, administrators, and school boards could be personally liable for attorney fees and actual damages for willfully and repeatedly refusing to provide students an "English language educational option" pursuant to § 320 of the Education Code. The term "English language educational option" is not defined, according to the plaintiffs. Thus, the plaintiffs are seeking an order from the court to permanently enjoin the enforcement of the personal liability clause for the specified groups.

The Governor has been dismissed from the case and the California Department of Education has not responded to the suit yet. The Attorney General's Office is representing the State Board of Education in this case, and filed a motion to dismiss the case because there is no case in controversy. Two groups of intervenors have filed motions in the case: Ron Unz as author of Proposition 227 and parents in Salinas, as represented by Pacific Legal Foundation. The plaintiffs are seeking a summary judgement of the case; a hearing date has been scheduled for July 12, 1999, in the federal Central District Court in Los Angeles.

Legal Challenges Regarding the Issue of Waivers

Following the passage of Proposition 227, a number of school districts submitted requests for waiver of the new law's requirements. After the State Board decided it had no authority to consider any of these waiver requests, in July 1998, Berkeley, Oakland, and Hayward Unified School Districts filed suit to compel the State Board of Education to consider waiver requests in order for these districts to continue providing their bilingual education programs.[105] In August 1998, Alameda County Superior Court Judge Needham ruled that the State Board of Education must consider waiver requests filed by school districts. The court did not compel the State Board to grant any or all waiver requests; rather it ruled that the State Board should consider the waivers in accordance with existing education laws and regulations. The Judge denied the petitioners' request for a preliminary injunction, and suggested that these school districts should implement the provisions of Proposition 227 pending a waiver consideration by the State Board. The

plaintiffs have asked the court to hold the State Board in contempt for not taking any action on the waiver requests, but the court disagreed.

The State Board of Education filed an appeal of Judge Needham's decision.[106] The two opponents in the case have submitted position briefs to the court and oral argument is pending. In the meantime, 47 original waiver requests (representing 37 different school districts) have been submitted to the State Board for consideration, and three waiver requests have been resubmitted to the State Board. However, the State Board is unlikely to make any decisions until the court rules on the pending appeal. The plaintiffs have requested an expedited review of the case, but no date has been set yet for oral argument.

Legal Challenges Regarding the Administration of the STAR Examination to English Learners

The implementation of the STAR Program raised concerns for some school districts with high concentrations of English learners. These school districts argued that because many of their pupils lack English language proficiency and that the STAR test is administered in English, test results may not accurately reflect English learners' aptitude in the tested subjects. San Francisco Unified refused to administer the STAR examination to English learners. This prompted the State to file a lawsuit against that district to force compliance.[107] In May 1998, San Francisco Superior Court Judge Garcia ruled that the district was not required to administer the test in English to English learners who have attended public school for less than 30 months.[108]

In reaction to this ruling, Oakland and Berkeley Unified school districts filed a complaint as intervenors in that case,[109] challenging the validity of administering the STAR examination in their districts for English learners with 30 months or less in public schools. In response to this compliant, San Francisco Superior Court issued a temporary restraining order preventing the California Department of Education from releasing test scores of any English language learners. The temporary ruling remained in effect until July 21, 1998, at which time, San Francisco Superior Court Judge Garcia issued a ruling allowing for the release of the 1998 scores only on the following conditions: 1) school districts are not allowed to place test scores in the permanent record of English learners attending California public schools for less than 30 months; 2) school districts are not allowed to report or transmit STAR results for individual English learners to those students' schools and teachers and parents or guardians; and 3) school districts are not allowed to make any academic decision about individual English learners based on their STAR score.

In the interim, litigation is currently "stayed" pursuant to a "tolling agreement" signed on June 16, 1999. The agreement allows all parties to evaluate the results of all pending relevant legislation prior to continuing litigation. The parties agreed to a tolling period from February 16, 1999, until pending action is settled, or otherwise terminated, or until September 30, 1999, whichever comes first. During the tolling period, the State will continue to enforce the provisions of the Education Code and any related regulations.

The tolling agreement is contingent on the issuance of an order by the San Francisco Superior Court to continue the trial date in the early spring of 2000.

The matrix below provides a selective outline of federal laws and court cases, state laws and court cases, and State Board of Education actions to help us follow the history of how these events have worked to shape policy for English language learners in California.

SELECTIVE HISTORY OF ENGLISH LANGUAGE LEARNER POLICY

DATE	FEDERAL LEGISLATION	FEDERAL COURT ACTION	CALIFORNIA LEGISLATION	CALIFORNIA COURT ACTION	CALIFORNIA STATE BOARD OF EDUCATION ACTION
1968	Bilingual Education Act				
1974	Equal Educational Opportunities Act	Lau v. Nichols (414 U.S. 563)			
1976			Chacon-Moscone Bilingual-Bicultural Education Act		
1981		Castaneda v. Pickard (5th cir. 1981) 648 F.2d 989	Bilingual Teacher Training Assistance Program		
1983		Keyes v. School District No. 1 (D.Colo. 1983) 576 F.Supp. 1503			
1984			Impacted Languages Act		
1987		Gomez v. Illinois State Board of Education (7th cir. 1987) 811 F.2d 1030	Sunset of Chacon-Moscone Bilingual-Bicultural Education Act pursuant to Education Code Section 62000.2(d)		
1995					The State Board issued a Policy Statement to continue administering funds for the general purposes of the sunset bilingual law; identified eight general purposes; continued parent advisory committees; established two goals for programs serving English language learners; and established five principles relating to programs and services for English learners.

SELECTIVE HISTORY OF ENGLISH LANGUAGE LEARNER POLICY

DATE	FEDERAL LEGISLATION	FEDERAL COURT ACTION	CALIFORNIA LEGISLATION	CALIFORNIA COURT ACTION	CALIFORNIA STATE BOARD OF EDUCATION ACTION
1997			The Standardized Testing and Reporting (STAR) Program (SB 376, Chapters of 1997), adding Section 60640 et seq. to the Education Code		The State Board issued a Program Advisory for English learners, to clarify school districts' responsibilities.
1997			The English Language Proficiency Assessment Program (AB 748, Chapters of 1997), adding Section 60810 et seq. to the Education Code		
1998				In February, Judge Robie ruled in the Maria Quiroz et al. v. the State Board of Education et al. case (97CS01793) in the Sacramento County Superior Court	In March, the State Board rescinded its previous policies for English learners.
1998					In April, the State Board issued a policy statement for English learners, reflecting the ruling in the Quiroz case.
1998				In May, Judge Garcia ruled in the California Department of Education et al. v. San Francisco Unified School District Governing Board et al. case (994049) in the San Francisco Superior Court	

SELECTIVE HISTORY OF ENGLISH LANGUAGE LEARNER POLICY

DATE	FEDERAL LEGISLATION	FEDERAL COURT ACTION	CALIFORNIA LEGISLATION	CALIFORNIA COURT ACTION	CALIFORNIA STATE BOARD OF EDUCATION ACTION
1998			In June, the electorate passed Proposition 227, "English for the Children in Public Schools Act," adding Section 300 et seq. to the Education Code		
1998		In July, Judge Legge ruled in the Valerie G. et al. v. Wilson et al. case (C98-2252 CAL) in the U.S. District Court for the Northern District of California		In July, Judge Garcia ruled in the San Francisco et al. v. State Board of Education et al. case (994049) in the San Francisco Superior Court	
				In August, Judge Needham ruled in the Berkeley, Oakland, and Hayward Unified School Districts v. the State Board of Education case (8008105) in the Alameda County Superior Court; the appeal Jack McLaughlin et al. v. the State Board of Education (A084730) is in the the 1st Appellate District, Appeals Court, Alameda County	In October, the State Board of Education adopted a policy statement on educational progams and services for English learners based on the passage of Proposition 227.
1998					In November, the Office of Administrative Law approved the State Board's permanent regulations based on the passage of Proposition 227.

SELECTIVE HISTORY OF ENGLISH LANGUAGE LEARNER POLICY

DATE	FEDERAL LEGISLATION	FEDERAL COURT ACTION	CALIFORNIA LEGISLATION	CALIFORNIA COURT ACTION	CALIFORNIA STATE BOARD OF EDUCATION ACTION
1998		In December, the California Teachers Association et al. v. Wilson case (9896ER (CWx)) was filed in U.S. District Court for the Central District of California			

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TECHNICAL APPENDIX B: A Review of the Research Literature Comparing Immersion Programs to Native Language[110] Instruction Programs

Ramirez et al. (1991) is the most recent national study that focused on comparing different instructional methods for English learners, including structured English immersion, early-exit bilingual education, and late-exit transitional bilingual education programs. The study design only allowed for a direct comparison of the structured English immersion and the early-exit transitional bilingual models. Thus, after four years in their respective programs, these researchers found that English learners in the immersion and early-exit programs demonstrated comparable skills in mathematics, language, and reading when they were tested in English.[111] This study also uncovered the fact that while many English learners achieved fluency in English, they were not automatically transferred to mainstream classes.

The Ramirez study found more similarities than differences among the three instructional programs studied. For example, all three instructional programs used the same methods for teaching English language learners, regardless of the language used for instruction. Further, Ramirez et al. found that "teachers in all three programs do not teach language or higher order cognitive skills effectively. Teachers in all three programs offer a passive language learning environment limiting student opportunities to produce language and develop more complex language and thinking skills."[112]

Gersten and Woodward (1985, 1995, 1997) conducted a longitudinal study and compared the outcomes of 228 English language learners in El Paso, Texas who had been enrolled in either a bilingual immersion[113] or transitional bilingual program. In the original study, children were followed from the fourth to seventh grades. While initial differences found in reading and language favored the bilingual immersion program, those differences disappeared by the seventh grade. With respect to rates of mainstreaming these pupils, the researchers found nearly all of the children participating in the bilingual immersion program had been mainstreamed to regular classes, while nearly one-third of the children participating in the transitional bilingual program had not been.

Perhaps of greater interest and concern is the fact that the researchers found that many English learners in both program models were failing at the 7th grade, as measured by the Iowa Test of Basic Skills (ITBS), in both reading comprehension and vocabulary. Specifically, the mean scores on ITBS in the seventh grade corresponded to the 24 percentile for bilingual immersion and 21 percentile for transitional bilingual education in reading comprehension, and to the 16 and 15 percentiles, respectively, in vocabulary.[114] Their dismal achievement scores suggested to the researchers that the vocabulary used in junior high school textbooks was much too advanced for these students to comprehend easily.[115]

More recently, the researchers conducted a high school follow-up of the same students,[116] and found that again there were no differences in achievement among these students in

reading, math, or writing when tested in English based on the Texas state exam (TAAS). Again, as in the earlier study, the researchers note that data from TAAS suggest that as many as half of the English language learners in both groups may not have the reading and math skills to meet minimum high school graduation standards.[117]

Rossell and Baker (1996) conducted a meta-analysis of approximately 300 evaluation studies of programs serving English learners, and found only 72 (25 percent) were considered to be methodologically acceptable according to criteria established by the researchers.[118] Based on their comparison of studies, these researchers concluded that structured immersion is more effective in teaching English learners.[119]

One of the greatest criticisms of the Rossell and Baker analysis is that the majority of the so-called "structured immersion" programs included in their analysis were drawn from the Canadian French immersion model, which is different from the English immersion model, for the reasons discussed above. This study highlights the inconsistent use of program labels.

Greene (1998) conducted a similar meta-analysis carried out by Rossell and Baker, by reviewing the same studies, applying the same criteria, and adding one additional criterion. That is, in order to be considered valid, the studies had to measure the effects of bilingual education after a minimum of one academic year. The application of the additional criterion reduced the number of acceptable studies from 75 (what Rossell and Baker reviewed) to 11.[120] Greene found that the review conducted by Rossell and Baker lacked the rigor and consistency in applying their own criteria.

Of the 11 studies in the Greene study, only five used a random assignment of students. Even though there are only a handful of studies to compare and analyze, Greene's meta-analysis concluded that the scholarly literature moderately favors the use of native language in instruction.

Technical Appendix C: The Relationship of Brain Research and Second Language Acquisition and Learning

The review of research into the relationship of brain activity and second language acquisition and learning provides us with some general findings that may serve to broaden our understanding of what researchers now know about this relationship. This technical review discusses the relationship in terms of biological developments in the brain, including a discussion regarding the existence of a "critical period" for second acquisition/learning, and how experience and social settings may contribute to acquiring/learning a second language.

Biological Maturation of the Brain

Most research into second language functioning uses subjects who suffered brain damage (specifically, bilingual asphiatics). Initial discoveries pointed to the left hemisphere of the brain as "dominant" for language processing.[121] The research with most significant implications for second language or foreign language theory and practice came with discoveries revealing the role of the right hemisphere of the brain in initial learning tasks. Specifically, the right hemisphere appears to be a crucial participant in the processing of novel stimuli.[122] (Advances in the use of brain scan technology have recently allowed researchers to confirm findings that older subjects who acquired a second language had increased activity in the right hemisphere.)[123] Subsequently, researchers began to focus more closely on the role of the right hemisphere to second language processing.

Genesee's literature review found general support for the hypothesis that the earlier (or younger) a child learns a second language, the more likely that the same area of the brain (i.e., left hemisphere) is used as in a monolingual person (i.e., learning a first language). As a child matures, cognitive and neurological development in the brain occurs, and second language acquisition/learning is more likely to shift to a different part of the brain (i.e., right hemisphere).[124]

Genesee's literature review also found general support for another hypothesis: there will be relatively more right hemisphere involvement in second language processing if the second language is acquired *informally* and greater left hemisphere involvement if the second language processing is *formal*. It was noted however that while the right hemisphere may be more involved if language processing is informal, the hypothesis recognizes the general predominance of the left hemisphere with respect to language functions. A general weakness of these studies, however, is a lack of a clear definition of what constitutes formal and informal manners of second language processing.[125]

Krashen offered the following distinction between language learning and language acquisition that may conform to different stages of cognitive development:

- *Language learning* emphasizes the structure of language, through, for example, grammar translation or drill practice. Such an approach to learning is thought to

engender in the learner an awareness of language as an abstract, rule-governed system (i.e., using the left hemisphere).

- *Language acquisition* is characterized by natural contexts in which real, meaningful communication takes place (i.e., using the right hemisphere).[126]

Does a Critical Period Exist for Second Language Acquisition/Learning?

Eric Lenneberg is credited with being the first to conclude that there was a neurologically fixed time limit to *acquire a first language*, and that it had to occur prior to the onset of puberty.[127] Lenneberg distinguished between first and second language acquisition, to account for cases in which sexually mature adults could become proficient in a second language. He specified that the cerebral organization for language learning must take place during childhood.[128] Krashen argued later that this process must occur by the time a child reaches five or six years of age. It is vital, therefore, for "a matrix for language skills" to be created as a result of learning the native language, in order for a person to continue to have an opportunity to acquire a second language even after the alleged critical period.[129]

A study by Johnson and Newport is generally recognized as the best evidence in support of the existence of a critical period around puberty for *second language acquisition/learning*. These researchers tested the hypothesis that young children are better second language learners than adults and therefore should reach higher levels of final proficiency in the second language.[130] These researchers found some interesting trends with respect to the data derived from their study:

- A clear and strong relationship existed between age of arrival to America and level of English language performance;
- For example, subjects who were between the ages of three and seven when they arrived in America had indistinguishable scores from native English speakers;
- The older the subjects were when they immigrated to America, the worse they performed.
- Age of arrival in America resulted in being a stronger variable than any variables examined (i.e., initial exposure to English, classroom experience, and attitude).

In Bialystok and Hakuta's review of the literature, they argued that the data derived from the Johnson and Newport study indicated a *progressive decline* in second language learning as the subjects aged. This finding, corroborated with other studies, contradicts the assertion that a "critical period" exists around puberty for second language acquisition/learning. Their interpretation of the Johnson and Newport data showed a more precipitous decline occurring after the age of twenty, leading these researchers to believe that learning abstract linguistic structures (e.g., grammar) becomes increasingly more difficult with age for second language learners.

Bialystok and Hakuta's review also identified studies that indicated that adults have an initial advantage in learning a foreign language; that is, they seem to respond quicker in

learning a foreign language than children. However, children generally outperform the adults over time.[131] These researchers reviewed some studies that identified the tenacity of foreign accent in older learners of a second language.[132] Others studies reviewed exposed the particular difficulty for second language learners to create sounds in a foreign language, which resemble an existing sound in a person's native language.[133]

Bialystok and Hakuta offer the following for consideration: the reason children who are younger than five years of age behave like native speakers of a second language is because they are in fact native speakers. They postulate that "if the impressive acquisition of the second language is accompanied by a deterioration of competence in the first language, then the evidence speaks not to a critical period but to a replacement of one language for another in the child's language acquisition. Put another way, someone who arrives in a new country at a very young age is not really learning a second language but in fact, is continuing the process of first-language acquisition, but in a new language."[134]

The Influence of Other Variables

Pulvermüller and Schumann propose a potential framework for characterizing second language acquisition. These researchers assumed that two conditions must be met in order for a person to acquire full knowledge of a particular language:

1. The learner must be motivated to acquire the language; and
2. The learner must have the ability to acquire grammatical knowledge.

According to these researchers, motivation is always high in early learners to learn one language, and it is also frequently high for learning two languages in a bilingual environment. Motivation is more variable for late learners. These researchers explain motivation in terms of how the language learner evaluates the conditions of the environment. For example, in bilingual families a foreign language may be used by parents in reinforcing and motivating situations with the eldest child, who is very likely to acquire the family language as well as the language of the external environment. For subsequent children in the family, communication among siblings may be in the language of the external environment (i.e., English) and perceive the parents' native language as less reinforcing. For these children, they may be less motivated to develop bilingual language skills.

These researchers argue that only early learners possess the ability to fully acquire grammatical knowledge of a language; this ability progressively decreases until puberty (i.e., they, too, subscribe to the notion of a "critical period" around puberty).[135] These researchers offer two reasons for cases of exceptional second language acquisition in late learners. First, the plasticity of the brain may vary among individuals, allowing some late learners to achieve native-like norms. Second, exceptionally strong motivation (i.e., dopaminergic input) among some late learners may compensate for the limitations caused by the biological maturation of the brain.

Applications to Teaching Methodologies

What does the above discussion tell us about the best manner to teach children (and adults) a second or foreign language? Danesi argues that the research literature on the brain's functions now allows us to characterize language learning as a *bimodal process* in which both of the brain's hemispheres should be used in a complementary and cooperative fashion. This contrasts with the traditional teaching methods for second and foreign languages, which rely on methods which are more closely associated with one hemisphere of the brain or the other, the so-called unimodal approach. Danesi recounts the evolution of second/foreign language teaching methods over time, describing them as fads, with a common feature: they were unimodal in approach.

Beginning in the 1980s, there have been attempts to combine the grammatical (left hemisphere mode) and the communicative (right hemisphere mode) teaching methods into an integrated approach.

Danesi suggests possible directions for further research with implications for teaching second language to children and adults in a classroom setting:

1. What does it mean that the language is organized differently in the bilingual and multilingual brain as compared to a monolingual brain?
2. What specific roles do the right and left hemispheric modes play in classroom learning tasks?
3. How does the structure of the classroom environment and its associated pedagogical modalities facilitate the kind of learning necessary for adults? (According to Danesi, "There is some indication from the literature that for most adults in classroom situations, the Left Mode is the one that is most operative, whereas both modes might be operative in so-called immersion classrooms.")[136]
4. Some researchers have found support for the hypothesis that some learners are left-hemisphere dominant, whereas others are right-hemisphere dominant. Does this automatically mean that the best instructional strategy would be to synchronize to the pattern of hemispheric dominance?[137]

GLOSSARY OF TERMS

According to the California Department of Education's glossary, the following terms are defined as:

- **Academic Subjects through the Primary Language (L1 instruction)**: English Learner *(formerly LEP)* students receiving a program of English Language Development (ELD) and, at a minimum, two academic subjects through the primary language (L1). L1 instruction is (1) for Kindergarten – grade 6, primary language instruction provided, at a minimum, in language arts (including reading and writing) and mathematics, science, or social science; or (2) for grades 7 – 12, primary language instruction provided, at a minimum, in two academic subjects required for grade promotion or graduation. The curriculum is equivalent to that provided to Fluent-English-Proficient (FEP) and English-only students. These students may also be receiving Specially Designed Academic Instruction in English (SDAIE). *See definition for SDAIE.* L1 instruction is provided by teachers with a CTC bilingual authorization in the primary language.

- **English Language Development (ELD)**: A specialized program of English language instruction appropriate for the English learner (EL) student's *(formerly LEP students)* identified level of language proficiency. It is consistently implemented and designed to promote second language acquisition of listening, speaking, reading, and writing.

- **Fluent-English-Proficient (FEP)**: Students whose primary language is other than English and who have met the district criteria for determining proficiency in English (i.e., those students who were identified as FEP on initial identification and students redesignated from Limited-English-Proficient (LEP) or English Learner (EL) to FEP).

- **Language Census (form R30-LC)**: An annual data collection in March which collects the following categories of data, number of English Learner (EL) and Fluent-English-Proficient (FEP) students in California public schools (K-12) by grade and primary language; number of EL students enrolled in instructional settings or receiving services by type; number of students redesignated from EL to FEP from the prior year; and the number of bilingual staff providing instructional services to EL students by primary language of instruction.

  NOTE: English Learner (EL) students were formerly known as Limited-English-Proficient (LEP) students. This change was made in the spring of 1999.

- **Limited-English Proficient (LEP)**: *(See new definition, English Learner students)* LEP students are those students for whom there is a report of a primary language other than English on the state-approved *Home Language Survey* **and** who, on the basis of the state-approved oral language (grades K-12) assessment procedures and including literacy (grades 3-12 only), have been determined to lack the clearly

defined English language skills of listening comprehension, speaking, reading, and writing necessary to succeed in the school's regular instructional programs. This term is being replaced with the term *English Learner* beginning with the 1998-99 data collection.

- **Not Receiving Instructional Services**: English Learner *(formerly LEP)* students not receiving any specialized instructional services related to language learning. This term will not be used on the Language Census beginning in 1999.

- **Primary Language**: A student's primary language is identified by the *Home Language Survey* as the language first learned; most frequently used at home; or most frequently spoken by the parents or adults in the home. Primary language is also referred to as L1.

  The languages listed below represent languages, other than English, reported spoken by English Learner (EL) students (formerly LEP students) in California public schools. Verification of these languages is through the book *Ethnologue – Languages of the World* available on the web.

  Albanian *(new in 1999)*, Arabic, Armenian, Assyrian, Burmese, Cantonese, Cebuano (Visayan), Chaldean, Chamorro (Guamanian), Chaozhou (Chaochow), Croatian, Dutch, Farsi (Persian), French, German, Greek, Gujarati, Hebrew, Hindi, Hmong, Hungarian, Ilocano, Indonesian, Italian, Japanese, Khmer (Cambodian), Khmu, Korean, Kurdish, Lahu, Lao, Mandarian (Putonghua), Marshallese, Mien, Mixteco, Native American, Pashto, Pilipino (Tagalog), Polish, Portuguese, Punjabi, Rumanian, Russian, Samoan, Serbian, Serbo-Croatian, Spanish, Taiwanese, Thai, Tigrinya *(new in 1999)*, Toishanese, Tongan, Turkish, Ukrainian, Urdu, Vietnamese.

  In 1998-99 the languages identified as *Other Chinese, Other Filipino, and Native American* were deleted from the Language Census.

- **Primary Language Support**: Primary Language support is instructional support through the English Learner (EL) student's *(formerly LEP students)* primary language. It does not take the place of academic instruction through the primary language but may be used in order to clarify meaning and facilitate student comprehension of academic content area concepts taught mainly through English. It may also include oral language development in the EL student's primary language. Primary Language support may be provided by credentialed teachers fluent in the EL student's primary language or by bilingual paraprofessionals (aides). The aides are supervised by a credentialed teacher.

- **Redesignated FEP**: English Learner (EL) *(formerly LEP)* students redesignated as FEP (fluent-English proficient) since the prior year census. These students are redesignated according to the multiple criteria, standards, and procedures adopted by the district and demonstrate that students being redesignated have an English language proficiency comparable to that of average native English speakers.

- **Specially Designed Academic Instruction in English (SDAIE)**: SDAIE is an approach utilized to teach academic courses to English Learner (EL) students *(formerly LEP students)* in English. It is designed for nonnative speakers of English and focuses on increasing the comprehensibility of the academic courses normally provided to FEP and English-only students in the district. Students reported in this category received a program of ELD and, at a minimum, two academic subjects required for grade promotion or graduation, taught through Specially Designed Academic Instruction in English (SDAIE).

- **Withdrawn from all Services**: English Learner *(formerly LEP)* students withdrawn from all bilingual services (including ELD) by their parent(s) or guardian(s).

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End Notes

[1] Parents or guardians must request a waiver based on one of three criteria: (1) their child must be over ten years of age; (2) their child must demonstrate proficient English language skills; or (3) their child has special learning needs. Parents must wait 30 days after the start of the school year before requesting a waiver.

[2] While a school is required to offer an alternative language program, it may not be the exact program that is requested by parents in submitting waivers of the sheltered/structured English immersion program.

[3] The Governor's adopted budget for fiscal year 1999-2000 contains a provision to augment professional development for teachers and other personnel who provide instruction and support to English language learners by $10 million ($5 million in the K-12 budget; and $5 million in the higher education budget to establish the English Language Development Professional Institutes) pursuant to AB 1116 (Ducheny).

[4] As part of the Governor's adopted budget for fiscal year 1999-2000, there is a $50 million augmentation to be allocated on a $100 per pupil basis for English language learners in grades 4-8, inclusive, for supplemental services, as specified in AB 1116 (Ducheny).

[5] The Legislative Counsel provided two reasons for opining that the State Board did not have authority to grant waivers to school districts. First, if the State Board granted a school district's waiver, and such a waiver were granted for two consecutive years, then an annual reapplication of such a waiver would not be required according to Education Code § 33051 (c). These actions could effectively repeal the initiative's general intent, by requiring English learners to be in a structured English immersion program for a year, and thereby disregarding the voters' wishes.

Secondly, the California Constitution allows the electorate to vote directly for initiative measures, such as Proposition 227. The Constitution also states that unless an initiative specifically allows the Legislature to amend or repeal a law, only the voters may make changes to the law by amending or repealing it. (In the case of Proposition 227, the initiative specifies that the Legislature may amend it-only to the extent that any proposed amendments further the act's purposes – and such amendments receive two-thirds vote of each house of the Legislature and the Governor's signature.) For this reason, the Legislative Counsel concluded that the State Board does not possess the authority to grant waivers to school districts.

[6] The California Department of Education Legal Counsel argued that the State Board has the authority to grant waivers to school districts for two reasons. First, Education Code § 33051 (a) requires the State Board of Education to approve any and all requests for waiver of any section of the Education Code except for the cases specified therein. Secondly, the Department's legal counsel argued that the initiative did not expressly provide direction of whether the State Board had or did not have the authority to approve requests to waive portions of the new law.

[7] Berkeley, Oakland, and Hayward Unified School Districts v. State Board of Education (8008105) filed in the Alameda Superior Court.

[8] Valerie G. et al. v. Wilson et al. (C98-2252CAL) filed in the U.S. District Court for the Northern District of California.

[9] California Teachers Association et al. v. Wilson et al. (9896ER (CWx)) filed in the U.S. District Court for the Central District of California.

[10] The Assembly Education Committee held an information hearing on November 17, 1998, to obtain information regarding school districts' implementation of the new law. More recently, on March 10, 1999, Assembly Budget Subcommittee No. 2 on Education Finance held an informational hearing regarding implementation issues and corresponding budget implications resulting from passage of Proposition 227.

[11] While the California Department of Education did not publish its annual "Language Census Report" in 1998, which provides information regarding enrollments by program type, grade, etc., for school districts, counties, and statewide, the Department reported selected data regarding English language learners on its website at www.goldmine.cde.ca.gov.

[12] Information resulting from the Department's survey was released in May 1999.

[13] The results from the Department's survey are taken from the Interim Report, dated April 16, 1999.

[14] The Department defined low number of English language learners in a district as being 20 to 100.

[15] The Department defined low number of English language learners in a district as being 1000 to 3000.

[16] The Department defined low number of English language learners in a district as being over 5,000.

[17] The trouble with the survey design is that terms such as "major impact" and "resources" were not defined.

[18] For further discussion regarding the STAR Program, refer to Section V of this report.
[19] K. F. McCarthy and G. Vernez. (1997), xxiv.
[20] Ibid., xxiv.
[21] First generation immigrants are those individuals who are foreign-born.
[22] Principally from Mexico; and to a lesser extent from El Salvador, Guatemala, Nicaragua, Peru, Argentina, Honduras, Colombia, Ecuador, and Chile.
[23] Principally from the Philippines, and to a lesser extent from China, Vietnam, Korea, India, Taiwan, Japan, Laos, Thailand, Pacific Islands.
[24] Ibid., 3.
[25] Ibid., 29-54.
[26] Ibid., 38.
[27] Ibid., xxiv.
[28] This report assumes that the students who are considered English language learners are either immigrants themselves or children of an immigrant parent(s) whose primary language is other than English.
[29] California Department of Education, Language Census Statewide Summary, Spring 1998.
[30] Ibid.
[31] Definitions for each program category are provided in the Glossary at the end of this report.
[32] For more discussion of SDAIE, refer to Section VII of this report.
[33] These data provide a "snap shot" of enrollments at the time that the language census was taken; however, they do not indicate how many pupils were ever enrolled in a native language, or bilingual, program.
[34] For more information regarding the effects of age on second language acquisition and learning, refer to Section VIII of this report.
[35] J.D. Ramirez et al. (1991), 18.
[36] According to the authors and for the purposes of their study, the duration of the Immersion and Early-Exit Bilingual programs was four years. The Immersion Program was defined as having all instruction in English, and the use of a child's primary language was limited to use on a case-by-case basis, as a means to clarify the instruction in English. The Early-Exit Program included some initial instruction (30-60 minutes a day) in the child's primary language, and was usually limited to the introduction of initial reading skills. The remainder of instruction was in English, and primary language was only then used as support, to clarify instruction in English.
[37] The authors note that even though LEP students who exited from the study were dropped from calculation, the FEP students who exited the study were included in the reclassified calculation. The implication of this is to slightly bias the data and to increase the percentage of reclassified students as years in the program increase.
[38] The state appropriated a total of $383 million in Economic Impact Aid funds to school districts in fiscal year 1998-1999. In budget year, fiscal year 1999-2000, the Governor's budget increases the appropriation of EIA funds to $394 million. These entitlement funds are allocated to school districts based on the potential impact of bilingual-bicultural pupils with Spanish and Asian surnames; an index of family poverty in each school district, based on the annual Aid to Families with Dependent Children and federal census poverty total; and an index of pupil mobility in each district. There is no requirement that school districts expend these funds on English learners.
[39] The author of this report contacted several districts and found only a small handful of districts offering stipends.
[40] Both dropout and graduation rates are based on self-reported data submitted by California public schools to the California Department of Education annually, for the California Basic Education Data System (CBEDS).
[41] The report indicated that the graduation rate has remained flat in the past decade: the 1988 rate was 68.5 percent.
[42] The 1998 dropout rate is 11.7 percent; it is calculated on the *estimated* percentage of students who will drop out during a four-year period.
[43] J. Crawford (1995), 2.
[44] R. Pedalino Porter, (1998), 28.
[45] § 601 of the Civil Rights Act of 1964.
[46] 20 U.S.C. § 1703(f).

[47] (5th Cir. 1981) 648 F.2d 989.
[48] (7th Cir. 1987) 811 F.2d 1030.
[49] (D.Colo. 1983) 576 F.Supp. 1503.
[50] In the Goméz case, the plaintiffs sought relief from the court because the Board and the Superintendent violated state and federal law by failing to promulgate uniform and consistent guidelines for the identification, placement, and training of LEP children. The plaintiffs claimed that as a result of the defendants actions or omissions, they were deprived of an equal educational opportunity, suffered economic hardship, and undue delays in their educational progress.
[51] In the Keyes case, the plaintiffs brought suit for alleged segregation and discrimination against LEP pupils in the school system. According to the court, the defendant school district in Denver failed to take appropriate action to remove language barriers to equal participation in educational programs, and therefore it failed to establish a unitary public school system.
[52] Two laws have been repealed including the Bilingual Education Act of 1972 and the Bilingual Teacher Grant Program of 1980.
[53] §§ 52130-52136 of the Education Code.
[54] §§ 52180-52186 of the Education Code.
[55] § 62000.2 of the Education Code.
[56] During the 1998 Legislative session, the Legislature successfully passed Senate Bill 6 (Alpert); however, Governor Wilson vetoed the enrolled bill in May 1998.
[57] The original policy statement was adopted in January 1986, amended in August 1987, and then further revised in July 1995.
[58] The policy statement was based on § 62002 of the Education Code, which allowed for the continuation of funds in order to carry out the *general purposes* of the sunset law.
[59] The eight general purposes of the sunset law included: provision of in-service training programs for teachers and administrators in bilingual and cross-cultural skills; a primary goal for all programs is to develop in each child fluency in English; positive reinforcement of the self-image of participating pupils; promotion of cross-cultural understanding; equal opportunity for academic achievement, including, when necessary, academic instruction using the primary language; a requirement that California school districts offer bilingual learning opportunities to each pupil of limited English proficiency enrolled in the public schools; a requirement that California school districts provide adequate supplemental financial support; and participation in bilingual programs is voluntary on the part of the parent or guardian.
[60] The five principles, as established by the State Board of Education, were 1) Maximum local flexibility to determine which instructional programs and methodologies best achieve results; 2) Instructional programs based on sound educational theory, emphasizing that the local program may include primary language instruction, English language development through "sheltered" content instruction, and/or other sound instructional methodologies; 3) Adequate resources and personnel to implement local plans and programs; 4) Parent involvement, including parental consent for placement of their children in programs for English learners and the providing of materials to parents to support their children's education actively; and 5) Due process in all compliance matters.
[61] Quiroz et al. v. the State Board of Education et al. (97CS01793) in Sacramento Superior Court.
[62] Judge Robie's ruling refers to § 52161 of the Education Code in which, "The Legislature funds and declares that the primary goal of all programs under this article is…to develop in each child fluency in English. The programs shall also provide positive reinforcement of self-image of participating pupils, promote cross-cultural understanding, and provide equal opportunity for academic achievement, including, when necessary, academic instruction through the primary language."
[63] Judge Robie ruled that the State Board of Education's issuing of waivers to school districts seeking exemption from the mandatory provision of native language instruction was contrary to law for a couple of reasons. First, Judge Robie ruled that the State Board's actions were based on an erroneous interpretation of the sunset statute regarding the mandatory nature of primary language instruction to English learners. Secondly, Judge Robie ruled that the State Board's waiver authority (pursuant to § 33050) did not apply to the funding of programs (pursuant to § 62002) and would be inconsistent with the sunset law. Judge Robie indicated that there is also a provision in the Education Code requiring the California Department of Education to ensure that funds are used for the required purposes of the law. Thus, by allowing the State Board to waive, and since only funding is involved, it would eliminate this provision.

[64] It should be noted that while staff counsel to the State Board recommended that the Board revise existing policy advisories for English learners based on Judge Robie's decision, the Department's legal counsel disagreed with staff counsel's recommendation to the Board. The Department's legal counsel did not understand what Judge Robie meant that there was only one general purpose of the sunset law.

[65] Pursuant to Education Code § 62000.2, the Miller-Unruh Basic Reading program, school improvement program, economic impact aid, and bilingual education sunset on June 30, 1987; since the Legislature had not enacted legislation to continue the programs, authority for these programs no longer existed in the Education Code. The regulations in Title 5 of the California Code of Regulations were amended to delete requirements related to the above programs.

[66] Title 5, California Code of Regulations, Division 1, Chapter 5, Consolidated Categorical Aid Programs, Subchapter 5 pertains to Bilingual Education.

[67] The amendments included removing references to mandating school districts to provide bilingual education to each English learner in public school.

[68] The amendments included removing reference to requiring that each unassessed English learner in grades K-12 be enrolled in a bilingual program until the census procedure is complete for that pupil; and the fact that the census required to take into account all English learners through the determination of each pupil's primary language and use of language proficiency assessment instruments.

[69] The amendments included removing several criteria used for determining whether reclassification of an English learner was warranted. The proposed deleted criteria included multiple criteria with appropriate cut-off scores for assessing the English learner's English skills (i.e., documented teacher evaluation, objective assessment of the pupil's oral English proficiency; parental opinion and consultation; objective assessments in English language arts, reading, writing, and mathematics based on specified criteria; and the recommendation of a language appraisal team using specified criteria). Further, the amendments included removal of language requiring school districts to annually report to the Department the number of English learners reclassified and the district procedures for reclassification.

[70] The amendments included removing references that require English learners to be assessed in their primary language; and that selected school districts conduct and report to the Department the results of an annual assessment of English learners' academic progress in English and appropriate primary language in order to carry out the evaluation required pursuant to Education Code § 52171.6.

[71] The technical amendments included removing references to bilingual programs or limited-English proficient pupils.

[72] These amendments were based on the second and third steps of the overall process.

[73] In the original workplan, proposed amendments to § 4306 (relating to reclassification) were to be submitted to the State Board in July 1999.

[74] For grades 2 through 8, pupils were tested for their reading, writing, and mathematics abilities. For grades 8 through 12, pupils were tested in social science and science in addition to the subjects already named.

[75] § 60640 (f) of the Education Code.

[76] § 60640 (g) of the Education Code.

[77] The State Board approved emergency regulations relative to these provisions, as well as approved the Spanish Assessment of Basic Education (SABE/2) at its November 1998 meeting. The State Board adopted permanent regulations for the primary language achievement test at its March 1999 meeting.

[78] The California Department of Education, State Board of Education and State Superintendent of Public Instruction v. San Francisco Unified School District et al. (994049) in San Francisco Superior Court.

[79] The STAR examination scores and results may be viewed at the California Department of Education Internet site – http://www.goldmine.cde.ca.gov. It should be noted that to protect privacy, no results for any group of less than ten pupils are posted on the Internet.

[80] §§ 60810 and 60811 of the Education Code (AB 748, Escutia, Chapters of 1997).

[81] The Governor's adopted budget for fiscal year 1999-2000 contains a provision to augment the budget by $1 million for development of the English language development test. First administration of the ELD test is expected to occur in the fall of 2000.

[82] In his veto message, Governor Wilson declared that bilingual education had been a serious failure in California and that it had done a disservice to English learners by maintaining their dependency on their native language for too long. In his own words, Governor Wilson stated, "There is great value in having

California's students achieve bilingual or even multi-lingual language proficiency as their ability permits and their interest dictates. California stands to benefit both culturally and commercially to the extent our people gain such skills. But in California's schools, English should *not* be a foreign language. And yet it remains one for too many LEP students—because of the failure of bilingual programs."

[83] Governor Wilson vetoed the bill for the following reasons: "Small children typically learn the language they hear spoken. Children whose primary language is not English will most rapidly and easily learn English by programs consciously seeking to give them maximum exposure to English. This bill requires a survey rather than a program, but impliedly endorses an approach that will continue dependency on a child's primary language. This hardly seems the best preparation for the instruction beginning in kindergarten which is mandated by Proposition 227."

[84] C.H. Rossell and K. Baker (1996), 13; and J.P. Greene (1998).

[85] D. August and K. Hakuta (1997), 139-149.

[86] Ibid., 148-149.

[87] According to California's bilingual law, Education code § 52165 (a) (1), native language instruction was required if there were 10 pupils or more of the same primary language in the same grade level at the same school.

[88] R. Gersten and J. Woodward (1995), 224.

[89] Ibid., 224.

[90] F. Sanchez (1989) and A. Walqui-van Lier (1992).

[91] While some researchers and educators have contributed to a theoretical understanding of sheltered English or SDAIE, there is no copyright of the term.

[92] Enrollment figures from Table 1 above show that about 21.8 percent of English learners receive ELD (from goal one) and SDAIE combined, whereas another 21.7 percent of English learners receive ELD and SDAIE with primary language support.

[93] R. Gersten and J. Woodward (1995), 226.

[94] F. Genesee (1984). "Historical and Theoretical Foundations of Immersion Education," in *Studies on Immersion Education*, Sacramento, California State Department of Education, 32.

[95] W. Lambert. (1984). "An Overview of Issues in Immersion Education," in *Studies on Immersion Education*, Sacramento, California State Department of Education, 11.

[96] According to a telephone interview, on May 27, 1999, with Fred Genesee (Professor of Psychology at McGill University in Montreal, Quebec, who is one of the original researchers of the French Canadian immersion programs) most of the evaluation studies of the Canadian immersion program included students from middle class backgrounds. Professor Genesee acknowledged that a few studies of Canadian French immersion programs were conducted for students from working class backgrounds, which demonstrated positive results.

[97] These short-term bilingual programs include transitional bilingual education or early-exit bilingual education programs.

[98] It is for this reason that many parents, educators, and researchers emphasize and advocate for the *additive* approach to learning a second language. Dual immersion programs, maintenance bilingual programs, and two-way bilingual programs are additive by design. Such programs allow pupils to retain their cultural identity and build upon their primary language knowledge base as well as add a second language.

[99] Community language schools generally suffer from unstable sources of funding for their on-going support.

[100] F. Genesee (1982), 316.

[101] M. Dansei (1988).

[102] J. Schumann (1997), 24.

[103] Valerie G. et al. v. Wilson et al. (C98-2252CAL) in the U.S. District Court for the Northern District of California.

[104] California Teachers Association et al. v. Wilson et al. (9896ER (CWx)) filed in the U.S. District Court for the Central District of California.

[105] Berkeley, Oakland, and Hayward Unified School Districts v. State Board of Education (8008105), in the Alameda Superior Court.

[106] Jack McLaughlin et al. v. State Board of Education, in Court of Appeals, 1st Appellate District of Alameda County (A084730).

[107] The California Department of Education, State Board of Education and State Superintendent of Public Instruction v. San Francisco Unified School District et al. (994049) in San Francisco Superior Court.
[108] California Department of Education v. San Francisco Unified School District (994049) in the San Francisco Superior Court.
[109] San Francisco Unified School District et al. v. State Board of Education et al. (994049) in San Francisco Superior Court.
[110] In other words, bilingual education programs.
[111] Ramirez et al. (1991), 23.
[112] Ibid., 10.
[113] The researchers describe the bilingual immersion approach as accelerating the introduction of English while maintaining some Spanish language instruction and integrating second language instruction with content area materials. Thus, the program retains the predominant focus on English-language instruction from the immersion model but uses a substantive four-year Spanish language program so that students maintain their facility with their native language.
[114] R. Gersten and J. Woodward (1995), 235.
[115] According to Gersten and Woodward, low socio-economic minority students in the United States generally perform at this level, thus implying that these achievement results are not endemic to these particular programs. Further, the researchers comment that the ITBS is a rough gauge of a program's effectiveness and often language minority students experience problems on traditional standardized achievement tests (1995), 236.
[116] In the follow-up evaluation, there were 89 students studied from the bilingual immersion program and 86 students from the transitional bilingual education program, reflecting a 19.8 percent and 26.5 percent attrition rate for these programs, respectively.
[117] R. Gersten, S. Baker, and T. Keating (1997), 23.
[118] That is, they had a treatment and control group and a statistical control for pre-treatment differences where groups were not randomly assigned.
[119] In comparing studies that evaluated transitional bilingual education (TBE) to structured immersion (SI), the researchers found different effects for the following three subject areas examined:

- For *reading*, 12 studies were compared. The researchers found 2 studies that had no difference between TBE and SI , while 10 studies found SI to be better than TBE, and no study found TBE to be better than SI.
- For *language*, one study was examined. The researchers found that there was no difference in TBE and SI.
- For *math*, eight studies were compared. The researchers found that five studies found no difference between SI and TBE, three studies found SI to be better than TBE, and no studies found TBE to be better than SI.

[120] While Rossell and Baker identified 72 acceptable studies, Greene indicated there were 75 citations listed in the Rossell/Baker study as acceptable studies.
[121] K. Kraetschmer (1986), 2-3. According to Kraetschmer, many language functioning centers have been identified on the left side of the brain, including speech production, speech perception, writing, and audition.
[122] M. Danesi (1990), 375.
[123] K. Kim, N. Reklin, K. Lee, and J. Hirsch (1997). Unfortunately, this research does not define terms such as what is meant by "older" subjects.
[124] F. Genesee (1982), 317.
[125] Ibid., 320.
[126] Ibid., 320.
[127] M. Danesi (1990), 373.
[128] E. Bialystok and K. Hakuta (1994), 63.
[129] Bialystok and Hakuta call this an *intact capacity hypothesis*, in which there would be no time limit on learning a second language once the first language is learned. This is in contrast to the *recapitulation hypothesis* in which learning a second language is by retracing the steps for acquiring the first language (64).

[130] Johnson and Newport tested the English language proficiency of 46 native Korean and Chinese speakers who had arrived in the United States between the ages of three and 39, and who had lived in the United States between three and 26 years by the time they were tested. The subjects were tested on a wide variety of structures of English grammar.

[131] Snow and Hoefnagel-Hohle (1978) and Cummins (1981).

[132] S. Oyama (1976).

[133] J. Flege. (1987).

[134] E. Bialystok and K. Hakuta (1994), 79-80.

[135] F. Pulvermüller and J. Schumann (1994), 690.

[136] M. Danesi (1988), 28.

[137] Danesi acknowledges that this approach would directly contradict her argument for a bimodal approach to teaching.